

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Eric B. KUSHNICK

Conf. No: 2197

Application No: 09/824,898

Art Unit: 2116

Filed: April 2, 2001

Examiner:
Tse W. Chen

For: HIGH RESOLUTION CLOCK SIGNAL
GENERATOR

REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

An amended appeal brief taking account of the objections raised in the communication mailed June 20, 2007 is submitted herewith.

REMARKS

So far as relevant to the issue raised in the notification of non-compliant appeal brief, 37 CFR 41.37(c)(1)(v) requires that for each independent claim every means plus function and step plus function must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The structures and materials that correspond to the means plus function elements of claim 1 are identified on pages 2, 3, 5 and 6 of the appeal brief. Although the identified portions of the specification refer to several different structures, this is because the operations of the various circuits are interdependent and therefore the description of operation of the second coarse delay circuit 58, for example, necessarily contains mention of the first coarse delay circuit 54. The appeal brief specifies positively that the structure that corresponds to the "first means" recited in claim 1 is the first coarse delay circuit 54, the structure that corresponds to the "second means" recited in claim 1 is the second coarse delay circuit 56, and that if the programmable sequencer referred to in claim 1 should be considered to be a means plus function element, the structure that corresponds to the programmable sequencer is the programmable sequencer 58 shown in FIG. 5. The fact that the description of the manner of operation of the delay circuit 54, for example, refers also to the delay circuit 56 and the programmable sequencer 58 does not negate the fact that the appeal brief identifies clearly the structure that corresponds to the "first means."

With respect to the first means recited in claim 1, the corresponding structure is described in the first full paragraph on page 3 of the brief and the function that is attributed to the first means is described in the next two paragraphs of the brief. With respect to the second means recited in claim 1, the

corresponding structure is discussed in the first full paragraph on page 5 of the brief and the function that is attributed to the second means is described in the paragraph bridging pages 5 and 6 of the brief. Should the examiner consider the programmable sequencer referred to in claim 1 to be a means plus function limitation, the corresponding structure is described on page 6 of the appeal brief and the function attributed to the programmable sequencer is described on pages 6 and 7 of the appeal brief.

Similar comments apply to the step plus function elements of claims 20 and 34, which are fully discussed on pages 7-16 of the brief.

Respectfully submitted,



John Smith-Hill
Reg. No. 27,730

SMITH-HILL & BEDELL, P.C.
16100 N.W. Cornell Road, Suite 220
Beaverton, Oregon 97006

Tel. (503) 574-3100
Fax (503) 574-3197
Docket: CRED 2164